

# EVICTIIONS OF SITES WHICH HAVE BEEN COMPULSORILY PURCHASED

*-WATCH OUT FOR THIS ONE!*

There was more than usual consternation when the anti road and quarry protest camp at Dead Woman's Bottom in Somerset was evicted in spring 1998. Bailiffs arrived without any possession order having been served, evicted protesters, and destroyed their possessions. There was talk of it being done under some "Land Rights Act". There's no such thing. A lot of people thought it was illegal. It wasn't. The device used was:

## **Section 13, Compulsory Purchase Act, 1965**

This law is rare but nasty. It applies only where land (with or without buildings on it) has been compulsorily purchased. When an authority which has compulsory purchase powers (there's quite a few of them - councils, government departments, public bodies, etc.) has been through all the compulsory purchase procedures and has eventually won against the owner, they can then serve a **Notice of Entry**. If that isn't complied with - i.e. the owner doesn't hand over the land or premises - they can then instruct the Sheriff for the county (the Deputy Under-Sheriff in practice) to steam in and evict without the need for the usual court order. The thinking is that there have already been exhaustive court procedures over the compulsory purchase (or, at least, the opportunity for them if the owner wanted to fight) so there's no need for the usual possession order. The fact that the people in occupation now might not be the owners but the likes of us wouldn't make any difference.

But the purpose of the procedure is to give the authority entry to the land or premises when they haven't been given it voluntarily. It doesn't enable them to go on evicting any new people who might occupy it after they've had their entry. So, the questions to ask are:

- (1) **Has this place been compulsorily purchased from the owner?**
- (2) If so, did the authority serve a Notice of Entry on the owner ages ago? If not, have they served one recently?
- (3) If it's the former, **is there any evidence that they entered the land and took possession of it before our occupation started?** If that's the case, they've had their entry once and can't have it again except with a possession order in the usual way. Arguably this is what's seen off attempted opportunist fiddles against squatters up to now,

the law so it could be used by authorities to keep possession, rather than just get it once. **SO PLEASE DON'T TRY ANY COURT HEROICS ON THIS ONE.** You could get the law changed to **everyone's** disadvantage.

With a squatted house or building, it's usually easy to tell if the authority has had its entry already. If there was a council steel door on it, for example, that's fair evidence the council has taken possession of the place. With land, some more detailed investigation might need to be made.

**The time for investigation should be when you first occupy the CP'd land. When the Sheriff and heavies arrive is too late!** The former owner might be a good place to start. If they fought the CPO, they may be helpful. If they didn't fight and were happy to take the wonga, a Notice of Entry may not have been served. What were the authority doing on or with the land before your occupation began? Were they acting like they owned it? Did they fence it, put up notices, get surveyors working on it, trash anything that was there? All of that would indicate they've already had an entry to it.

If they have served a Notice of Entry recently (e.g. after your occupation began) but clearly had their entry earlier, it should be challenged straight away. Again, when the Sheriff's heavies turn up is too late.

ALL THE ABOVE APPLIES IN ENGLAND & WALES ONLY

## **FURTHER READING:**

**ROAD RAGING** From Road Alert,  
PO Box 5544, Newbury, Berks, RG14 7YB. or Acme  
Tat c/o Leeds EF!  
£3.50 + postage

**SQUATTERS HANDBOOK** From Advisory Service  
for Squatters, 2, St. Pauls Rd., London N1 2QN.  
£1 + 39p postage.

## **FURTHER ADVICE:**

**EARTH RIGHTS: 07071-225011**